

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 10/809,519
Attorney Docket No: Q80709

REMARKS

Upon entry of the Amendment, Claims 1-15 are pending in the application. Claims 1-15 have been amended. Claims 16 and 17 have been canceled. Support for the amendments to Claims 1-15 can be found in the specification, such as in paragraph [0001]. Therefore no new matter has been added.

Claims 1-17 have been rejected under 35 U.S.C. § 103, as allegedly being unpatentable over U.S. Patent No. 4,629,758 to Kawaguchi et al. (“Kawaguchi ‘758”), U.S. Patent No. 5,714,533 to Hatakeyama et al. (“Hatakeyama ‘533”), or XP-002283523 (“XP ‘523”).

The present invention prevents discoloration of the sidewall rubber of a tire and imparts gloss to improve the appearance of the tire. Further, the present invention provides a pneumatic tire having a good appearance of a sidewall portion.

Claim 1 recites that the pneumatic tire comprises a rubber member as a sidewall portion. The sidewall portion contains a rubber composition containing at least one of the non-ionic surfactants represented in formulae (I), (II), and (III).

In contrast, Kawaguchi ‘758 discloses that its rubber composition provides a water-in-oil emulsion type adhesive. *See*, col. 1, line 66 to col. 2, line 5. The water-in-oil emulsion contains (a) 100 parts by weight of a rubber, (b) at least 30 parts by weight of carbon black, (c) at least about 0.5 part by weight of a zinc compound, (d) about 3 to about 30 parts by weight of a tackifier, (e) at least about 100 parts by weight of an organic solvent, (f) at least about 2 parts by weight of a non-ionic surfactant, and (g) water. *See*, col. 2, lines 5-32.

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Applicants respectfully submit that there is no suggestion of the claimed pneumatic tire.

The organic solvent disclosed in Kawaguchi '758 is used for dissolving the rubber. The surfactant disclosed in Kawaguchi '758 is used to emulsify the rubber. The rubber is not dissolved in water. Further, the adhesive disclosed in Kawaguchi '758 is used in the adhesion process of adhering unvulcanized rubber compounds, or an unvulcanized rubber compound and a vulcanized rubber compound. As such, a person of ordinary skill in the art would not have been motivated to produce the pneumatic tire recited in Claim 1.

Further, Hatakeyama '533 discloses the use of an electrically conductive rubber composition in a tread of a tire. *See*, col. 4, lines 59-62. The electrically conductive rubber composition includes silica compounded therein for improving the wet-skid resistance in the tread. *See*, col. 5, lines 37-51. Given that silica is electrically non-conductive, the silica therein may create problems generated by electrostatic charge, such as radio noise and human shock. The surfactants disclosed in Hatakeyama '533 are added for the purpose of preventing these problems generated by electrostatic charge. As such, Applicants respectfully submit that a person of ordinary skill in the art would not have been motivated to modify the surfactants disclosed in Hatakeyama '533 to the non-ionic surfactants recited in Claim 1.

Furthermore, XP '523 is an English Abstract of JP 5-194790. JP 194790 discloses using Nissan Nonion NS208.5 or Nissan Nonion NS 215 as the non-ionic surfactants in rubber compositions thereof. *See*, paragraph [0015] of JP 5-194790. Paragraph [0036] of Applicants' specification explains that Nissan Nonion NS208.5 is polyoxyethylene nonylphenyl ether and that Nissan nonion NS 215 is another polyoxyethylene nonylphenyl ether. However, Applicants

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respectfully submit that Comparative Examples 6 and 7 in the specification demonstrate that the nonionic surfactants recited in Claim 1 are unexpectedly superior. The specification describes that Comparative Examples 6 and 7 contain Compounds E and F, which are, respectively, Nissan Nonion NS 208.5 and Nissan Nonion NS 215. Nissan Nonion NS 208.5 and Nissan Nonion NS 215 are the surfactants disclosed in JP 5-194790. In this regard, the non-ionic surfactants recited in Claim 1 are unexpectedly superior over the surfactants disclosed in JP 5-194790 or XP '523.

Additionally, Claims 2-15 depend directly or indirectly from Claim 1. Therefore, Claims 2-15 are patentable for at least the same reasons as Claim 1.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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